REMARKS

Claims 1-15 are pending in the present application. In the Office Action dated April 28, 2005, the Examiner has indicated that correction of the specification is required and has objected to claims 4-7 and 11 for various informalities. The Examiner has rejected claims 1-2, 4, 8-9, 11, and 13-14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,363,349 to Urs *et al.* ("Urs"). The Examiner has further rejected claims 3, 5, 7, 10, 12, and 15 under 35 U.S.C. § 103(a) as unpatentable over the Urs reference. Applicant has added new claims 16 and 17.

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and following remarks.

AMENDMENTS TO CLAIMS REJECTED UNDER 35 U.S.C. § 102(e)

Claims 1-2, 4, 8-9, 11, and 13-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Urs. In particular, the Examiner asserts that Urs teaches a method, apparatus and computer based device comprising: establishing a voice path, service request to determine in what mode to operate, performing voice or data pulse code modulation, transferring the signal to a either a communication device or voice recognition unit.

The Examiner is reminded that every limitation of a claim must *identically* appear in a single prior art reference for the reference to be anticipating. *See Gechter v. Davidson*, 116 F.3d 1454 (Fed. Cir. 1997). Further, there must be *no difference* between the claimed invention and the reference disclosure. *See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Anticipation can be found only when the reference discloses *exactly* what is claimed. *See Titanium Metals Corp. v. Banner*, 778 F.2d 775 (Fed. Cir. 1985).

With reference now to the claims, differences between the applied references and the claim language will be specifically pointed out. Claim 1, as amended, recites in pertinent part: "...*preprocessing* the signal to determine a *transmission destination*..." (Emphasis added). Urs does not teach or suggest "*preprocessing* the signal to determine a *transmission destination*."

Instead, Urs discloses setting up a line of transmission that can operate in any mode, voice or data. (Urs, Col. 4, lines 33-34). Urs treats all "received" signals equally and does not teach or suggest using "a transmission destination" as a method of determining what algorithm to use on the signal and further what type of line to select. Therefore because Urs does not teach a "preprocessing" step and fails to anticipate Claim 1. Claim 1 is therefore now allowable over the cited reference. Claims depending from claim 1 are also allowable based upon the base claim and further in view of the additional references recited in the dependent claims.

Claim 4, as amended, recites in pertinent part: "...*preprocessing the voice transmission based upon a transmission destination*..." (Emphasis added). Again, Urs simply does not disclose this. Accordingly, claim 4 is therefore now allowable over the cited reference. Claims depending from claim 4 are also allowable based upon the base claim and further in view of the additional references recited in the dependent claims.

Claim 7, as amended, recites in pertinent part: "...sending a signal from a user input source to a transmission destination according to an address associated with a generated phonation *and preprocessing the signal to generate a change signal*..." (Emphasis added). Again, Urs does not disclose preprocessing the signal. Claim 7 is therefore now in allowable form. Claims depending from claim 7 are also allowable based upon the base claim and further in view of the additional references recited in the dependent claims.

Claim 8, as amended, recites in pertinent part: "...a *preprocessing component* configured to determine a transmission destination address associated with the received signal, determine a signal processing algorithm from a plurality of signal processing algorithms based on the determined address, and process the voice signal according to the determined algorithm..." (Emphasis added). Urs simply does not disclose a preprocessing component. Claim 8 is therefore now in allowable form. Claims depending from claim 8 are also allowable based upon the base claim and further in view of the additional references recited in the dependent claims.

Claim 11, as amended, now recites: "...a first *preprocessor component* configured to select an address for a voice transmission...a second *preprocessor component* configured to receive a phonation inputted at a user input_for the voice transmission...a third *preprocessor component* configured to process the received phonation according to an algorithm associated with a speech recognition device, if the selected address is associated with a speech recognition device and send the processed phonation to a selected transmission destination... and...a fourth *preprocessor component* configured to send the received phonation to the selected transmission destination according to a delivery method associated with human recipients, if the selected address is not associated with a speech recognition device" (Emphasis added). Urs does not disclose preprocessing the voice signals, and to perform other functions. Claim 11 is therefore now in allowable form.

Claim 12, as amended, recites in pertinent part: "...a first *preprocessor component* configured to process a phonation at a user input source for reception by a human recipient...a second *preprocessor component* configured to send the processed phonation to a transmission destination according to an address associated with the phonation... a third *preprocessor component* configured to receive a change signal from the transmission destination...and...a fourth *preprocessor component* configured to process a next phonation for reception by a speech recognition server according to a received change signal, and send the newly processed phonation to the transmission destination." (Emphasis added). Again, Urs simply does not disclose this. Claim 12 is therefore now in allowable form.

Claim 13, as amended, recites in pertinent part: "...*means for preprocessing the signal to determine a transmission destination...*" (Emphasis added). Urs does not disclose a corresponding preprocessing means. Claim 13 is therefore now in allowable form.

Claim 14, as amended, recites: "...*means for preprocessing the voice transmission based on transmission destination...*" (Emphasis added). Again, Urs simply does not disclose a signal preprocessing means. Claim 14 is therefore now in allowable form.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

Applicants submit that Claims 3, 5, 7, 10, 12 and 15 are also now allowable since the foregoing amendments fully address these grounds of rejection as well. Additionally, the Applicants note that the Examiner takes Official Notice that determining if an incoming call is from a computer is well known in the art, the Applicants respectfully disagree. Applicant respectfully submits that the Examiner's use of Official Notice in the present situation is improper. As set forth in the MPEP, section 2144.03, the Examiner may take Official Notice of facts outside of the record, which are capable of instant and unquestionable demonstration as being "well known" in the art. In the present case the assertion Official Notice refers to "determining if an incoming call is from a computer is well know in the art" and "handshake signals are notoriously well known in the art". Applicants respectfully submit that the foregoing assertions of Official Notice are improper on a number of grounds. First, these assertions have not been supported by citation of some reference as required by MPEP 2144.03. If the Examiner wishes not to supply references that support the asserted "well known" or "notoriously well known" subject matter, then according to 37 C.F.R. 1.104(d)(2), the Applicant is entitled to obtain an affidavit from the Examiner providing that data in the affidavit is "as specific as possible" to support the propriety of the Official Notice. Second, in view of the current amendments to claims 3, 5, 10, 12, and 15, Applicants also respectfully submit that there is no such well-known notoriety regarding the combinations of acts disclosed in the present invention.

AMENDMENTS TO THE SPECIFICATION

In response to the Examiner's objections, the Specification has been amended. No new matter has been introduced.
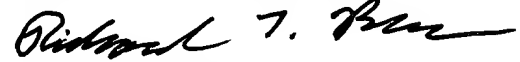
CLAIM OBJECTIONS

Informalities in currently amended claims 4-7 and 11 have been fully addressed. Applicants respectfully assert that claims 4-7 and 11 are now in allowable form in view of other amendments to overcome rejections as described below.

CONCLUSION

All claims are now in condition for allowance. A Notice of Allowance is therefore earnestly solicited. If the Examiner has any questions, the Examiner is invited to contact the Applicant's agent listed below.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}
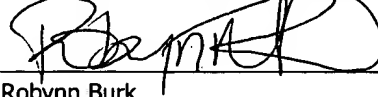
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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

9/28/05
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